

# BLACKLISTED

## Racial Bias in School Suspensions in Rhode Island

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## EXECUTIVE SUMMARY

In all school districts across Rhode Island, black and Hispanic students are suspended from school at rates substantially higher than their representation in the student population, while white students are suspended much less often than their representation predicts. Worse, the disproportionate suspensions are often for minor behavioral infractions and begin in elementary school, propelling black and Hispanic students at much higher rates along a path away from a diploma and toward high dropout rates, involvement in the juvenile justice system, and a number of other serious consequences that may shape the rest of their lives.

An examination by the ACLU of Rhode Island of school discipline data collected by the Rhode Island Department of Education between 2004 and 2012 finds that suspensions remain an overused punishment levied against students statewide, but particularly against black and Hispanic youth, and further, that this discriminatory treatment begins at a very early age.

Over eight years, consistent patterns have emerged:

- Despite significant evidence that out-of-school suspensions are counter-productive and carry long-term unintended consequences, on average more than twelve thousand students lose more than 54,000 school days each year to suspensions. Often, these students are suspended for relatively low-risk behavioral infractions such as “Disorderly Conduct” or “Insubordination/Disrespect,” or attendance issues, which could be more appropriately dealt with by other means.
- The overuse of suspensions extends to the lowest grades. Almost 1,400 elementary school students were suspended last year; 173 of them were in the first grade.
- Nearly all of Rhode Island’s public school districts consistently suspend black students at rates disproportionate to their representation in the student body, and the vast majority of school districts over-suspend Hispanic students. Fifteen districts disproportionately suspended black students in every single year studied, while eight did the same for

Hispanic students. No school district or charter school disproportionately suspended white students on any regular basis.

- This disparity increases in cases where the offense is reliant in some part on the perception of the individuals involved, rather than clear and concrete instances of misconduct.
- Disparities not only begin at an early age, but are particularly pronounced in elementary school. *While black high school students are twice as likely as white high school students to be suspended, a black elementary school student is six times as likely as a white elementary school student to be suspended from school.* Suspension is three times as likely for a Hispanic elementary school student than a white elementary school student.
- Discipline disparities exist in all school districts statewide, regardless of the size of a district's minority population.

Out-of-school suspensions are used too often to punish infractions that in no way justify the long-term consequences that suspensions can carry. For minority students, reconsideration of the use of out-of-school suspensions is particularly critical.

In order to ensure students receive equal treatment in regard to discipline, and equal access to the opportunities the classroom has to offer, the ACLU offers a small list of modest recommendations:

- Schools should minimize the use of out-of-school suspensions, applying them only when necessary to protect the safety of other students or when other attempts at correcting behavior have failed.
- School districts should examine annually their discipline rates for any racial or ethnic disparities, make this information available to parents and the public, and identify ways

to eliminate any disparities in the future, including through increased teacher and administrator training and supports.

- Schools should make their policies and procedures regarding discipline of students easily accessible, and ensure that punishments are clearly and evenly established for various offenses.
- The Department of Education should investigate and promote the use of alternative evidence-based disciplinary methods, including positive behavior interventions.

Even as the failures of zero-tolerance policies and the role that harsh discipline policies can play in promoting the so-called school-to-prison pipeline become clearer, scores of Rhode Island's students are inappropriately written off each year as problem children for whom exclusion is the only solution. These suspensions are ineffective behavior controls, and saddle Rhode Island's youth with the potential for a lifetime of serious consequences. The statistics show that they especially burden minority students. The ACLU of Rhode Island hopes that by bringing these significant disparities to light, school districts statewide will re-examine their own suspension practices and rates and make positive changes assuring equal and fair treatment for all students.

## A SUSPENSION CULTURE NATIONALLY AND IN RHODE ISLAND

Nationwide, public school students are suspended from school at unprecedented rates. With more than three million children suspended each year, suspension rates have doubled since the 1970s,<sup>1</sup> persisting even as consensus grows that out-of-school suspensions carry serious unintended consequences and little corrective benefit. Out-of-school suspensions have been criticized by such diverse federal agencies as the Centers for Disease Control,<sup>2</sup> the Office of Juvenile Justice and Delinquency Prevention,<sup>3</sup> and the Office of Elementary and Secondary Education at the U.S. Department of Education.<sup>4</sup> The problem has also generated strong opposition from such private groups as the American Psychological Association<sup>5</sup> and the American Academy of Pediatrics, which recently concluded that out-of-school suspensions “rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances.”<sup>6</sup> Just this April, the National School Boards Association joined the chorus of critics, calling the use of out-of-school suspensions “a crisis.” In response, the Association adopted a resolution calling on local school boards “to consider (1) out-of-school suspensions as a last resort to address behavior issues in schools; and (2) increase the use of other proven strategies and interventions that maximize the opportunities for all students to have a safe and successful in-school experience.”<sup>7</sup>

Each of these organizations is concerned by the mounting evidence that excluding children from school carries damage that follows children the rest of their lives. Students who receive out-of-school suspensions are up to ten times as likely as other students to drop out of school<sup>8</sup> or repeat a grade,<sup>9</sup> and can consequently be burdened with the low-income status, inferior health, and lower life expectancy a high-school dropout can generally expect.<sup>10</sup> Contrary to their stated purpose, out-of-school suspensions do not correct behavior, but instead are associated with higher rates of misbehavior and lower academic achievement.<sup>11</sup> Perhaps most troubling, students who are excluded from school are significantly more likely to become involved in the juvenile justice system, either because of the behaviors they engage in when they are excluded from school,<sup>12</sup> or because of the increasing referral of unruly students to school resource officers or other law enforcement personnel.<sup>13</sup> This pathway from suspension to arrest



is so common that in 2012 the U.S. Senate Subcommittee on the Constitution, Civil Rights and Human Rights held its first hearing on “Ending the School-to-Prison Pipeline.”

Yet, even as the dangers of out-of-school suspensions are recognized more and more, they remain an unyieldingly popular form of discipline.<sup>14</sup> Further, the majority of offenses that lead to suspension continue to be non-violent offenses that present a low level of danger or disruption to other students.<sup>15</sup> In many cases, the students removed are those already facing the highest hurdles in their future: national data show that discipline is disproportionately levied against children with disabilities, gay and lesbian students and, as this report discusses, minority students.<sup>16</sup>

Mirroring statistics it had garnered more than a decade earlier, the Office of Civil Rights of the U.S. Department of Education released nationwide race and suspension data in March 2012 documenting the severe racially discriminatory impact of school suspensions. While black students comprised 18 percent of school enrollment nationwide, they made up 35 percent of those students suspended once, and 46 percent of students suspended multiple times.<sup>17</sup> White students, on the other hand, comprised 51 percent of school enrollment, but only 36 percent of those suspended once, and 29 percent of those suspended multiple times.

Unfortunately, Rhode Island’s children suffer the same overenthusiastic and racially disparate discipline as children across the country. Our analysis of school suspension data from 2004-2012 in Rhode Island schools provides unnerving results. On average, 12,518 students are suspended from Rhode Island public and charter schools each year; as a general rule, this means between 7 and 10 percent of the student body suffers suspensions in a given year.<sup>18</sup> Altogether, suspended students lose an annual average of 54,195 school days. Despite widespread concerns regarding their negative impact, suspensions are frequent even in children’s most formative years. Nearly 1,400 elementary school students were suspended in the 2011-2012 school year alone; 173 were just in the first grade.

As is the case nationwide, in many of these suspensions, the student’s conduct posed no substantial physical risk or disruption to other students. During the 2011-2012 school year, 5,001

students – 48 percent of suspended students – received out-of-school suspensions for “Disorderly Conduct,” “Insubordination/Disrespect” or “Obscene/Abusive Language.” These vague, open-ended and very subjective “offenses” appear to be a major cause of the imposition of arbitrary and discriminatory suspensions. Paradoxically, 3,190 students were suspended for attendance-related issues, punished with removal from school for not being present in school.<sup>19</sup> The rest of this report examines these statistics in more depth.

## A DECADE OF RACIAL DISPARITIES IN RHODE ISLAND

Racial disparity in suspension rates has been a topic of concern in Rhode Island since at least 2001, when the *Providence Journal* published a series examining suspension figures reported by the R.I. Department of Education (RIDE) for that year. The *Providence Journal's* analysis found that 74 percent of Rhode Island public school students were white, but white students accounted for only 68 percent of suspensions.<sup>20</sup> Black students, on the other hand, made up eight percent of the student body but 13 percent of the suspensions, meaning that they were suspended about 60 percent more often than would be expected given their representation in the student population. The series also found that black students received longer average suspensions than white students, and were more likely to receive out-of-school suspensions than less-serious in-school suspensions.

The State responded to these troubling figures by creating a Department of Education task force to study racial disparities in school discipline. In its 2002 report, the task force concluded that, by its measures, one-third of Rhode Island schools over-suspended minority students. The task force made recommendations: better data collection, programs to encourage parental involvement, and revision of disciplinary policies.<sup>21</sup> A state law mandating annual data collection resulted, providing the substance for this report.<sup>22</sup> It is unclear, however, what other steps were taken to address the issues raised by the RIDE task force.

RIDE annually collects both enrollment and discipline data, recording important factors such as the number of children disciplined each year and for what reasons, the race of each child, their status in the “free and reduced lunch” program, and the length of their punishment.<sup>23</sup> This data reflects three different ways students can be removed from the classroom: out-of-school suspensions, in-school suspensions, and alternative program placement. We refer to these collectively as “punishments” or “disciplinary actions.” All suspensions referred to within this report are out-of-school suspensions, unless otherwise specified. To understand how Rhode Island has fared since the 2002 *Providence Journal* analysis, the ACLU of Rhode Island filed an open records request with RIDE for enrollment and discipline data collected from the 2004-05 school year through the 2011-12 school year.<sup>24</sup>

Researchers often identify discrimination by examining whether a group is affected at a rate 10 percent larger or smaller than that group's proportion of the examined population.<sup>25</sup> For example, since 8.16 percent of the 2011 Rhode Island student body was black, there would be cause for concern if more than 8.98 percent of all suspended students were black ( $8.16 + 0.816$ ). Yet during the 2011-12 school year, black students comprised an astonishing 16.52 percent of suspensions statewide – at more than twice their proportion to the student population, this is cause for serious concern.<sup>26</sup>

At best, out-of-school suspensions result in lost instruction time and missed assignments, pushing suspended students further and further behind. At worst, suspensions push students down the dangerous – and sometimes irreversible – school-to-prison-pipeline. As a result, minority students are disproportionately deprived of school time and shouldered with a future unnecessarily at risk of increased trouble in school, unemployment, and jail time. More than a decade after the *Providence Journal's* report sparked conversations about the role of race in educational discipline, the treatment of minority students remains a cause of great concern.

## A CLOSER LOOK AT THE RACIAL DISPARITIES

Over the eight school years that we examined, black students made up 9 percent of the student body statewide, but received 18 percent of all suspensions – twice the suspensions expected given black students’ representation in the student body. At 18 percent of the student body, Hispanic students received 28 percent of suspensions, or roughly 50 percent more than expected. White students, 69 percent of the population, received just 50 percent of suspensions, or three-quarters the expected rate. Figure 1 examines the ratio of a group’s suspensions to their representation in the student body.<sup>27</sup> As noted above, any ratio above 1.1 (a 10% difference) is cause for concern. That is, if there were a perfect correlation between a group’s representation in the population and their representation in school discipline data, we would expect to see ratios fall between .9 and 1.1. When charted, however, the scope of racial disparities in school discipline becomes starkly clear. Hispanic, black, and Native American students are all regularly over-suspended. Relative to their population size and several other measures, black students are the most affected of any racial group.<sup>28</sup>

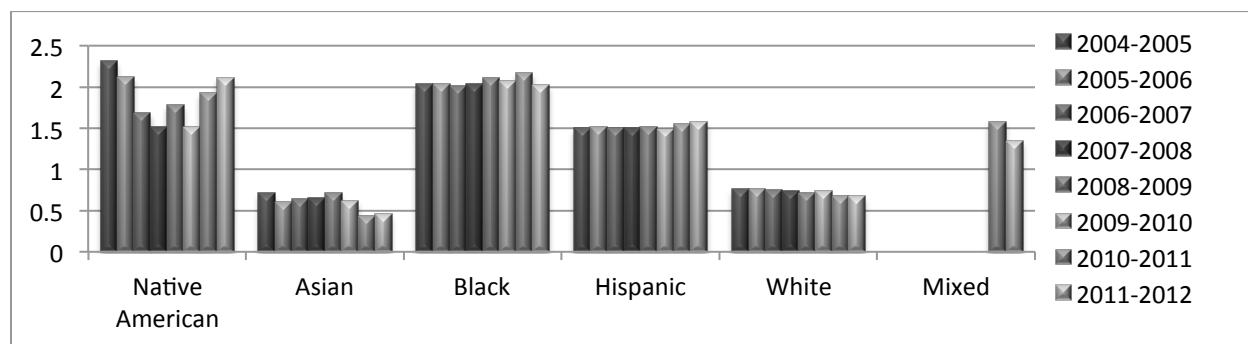


Figure 1. Ratio of Race Group Percentage of Suspensions to Race Group Percentage of the Student Body

These disparities exist across the state. Of the 38 school districts and charter or specialized schools for which the Rhode Island Department of Education had sufficient discipline data since 2004, 36 of them suspended black students at rates disproportionately higher than their enrollment numbers in half or more of the years between 2004 and 2012; twenty-eight did the same to Hispanic students.<sup>29</sup> Fifteen of these districts and charter schools disproportionately suspended black students, and eight disproportionately suspended Hispanic

students, in *every* year suspensions were reported. No school district or charter school disproportionately suspended white students on any regular basis.<sup>30</sup>

Only 11 districts and charter schools disproportionately suspended Hispanic students in fewer than half of the years studied, but black students weren't even that fortunate. Only the Foster-Glocester school district – where no more than 21 students in the entire student body were black in any of the years studied – and Blackstone Academy charter school under-suspended black students in more than half of the years studied.<sup>31</sup>

Altogether, school districts and charter schools across Rhode Island yearly suspended black students at higher than expected rates a total of 243 times, and Hispanic students 202 times. In glaring contrast, white students were over-suspended only nine times. Looked at another way, white students were suspended at rates proportional to their population 209 times; for black students, proportional suspension occurred only 20 times in eight years.

In other words, across school districts and charter schools between the 2004-05 school year and the 2011-12 school year, black students were disproportionately over-suspended from school 83 percent of the time while Hispanic students were over-suspended 69 percent of the time; for white students, that number is just over three percent.<sup>32</sup>

## **“SUBJECTIVE” AND “CONCRETE” OFFENSES**

Ideally, every student who has done something wrong should receive a punishment carefully calibrated to the severity of the offense, and certainly not based on extraneous factors like race.

To examine how school discipline is doled out in Rhode Island, we looked first at a category of what we deemed to be “subjective” offenses. Subjective offenses are the less clear-cut infractions; whether a given incident qualifies as such an offense depends at least in part on the interpretation of the people involved. For example, a student shouting in one context might seem hostile, while the same behavior could seem playful in other circumstances. These are also the types of offenses that might easily be overlooked in some situations or by some teachers in order to avoid unnecessarily escalating a situation. Subjective offenses include the following: disorderly conduct,<sup>33</sup> harassment (verbal or physical),<sup>34</sup> insubordination/disrespect,<sup>35</sup> and obscene or abusive language toward a teacher or student.<sup>36</sup> These are different from “concrete” offenses, which are violations of school rules (or the law), where the nature of the violation is indisputable, clear-cut and less likely to be ignored. They include such offenses as possession of alcohol or drugs, assault, larceny, vandalism and the like.

Although there are 39 different categories collected by RIDE under which a child can be suspended, the four vaguely-defined subjective offenses specified above make up, on average, 41 percent of the suspensions in a given school year. Alone, this exacerbates concerns about the rampant over-suspension of youth for vague, non-serious infractions. Looking closer, the tremendous rates of suspension for these infractions and the substantial growth in race disparity that accompanies these subjective offenses raise numerous questions about why students are really being suspended and what role is played by factors other than the students’ behavior alone.

Examining just this small subset of offenses, we discover an alarming increase in disparities across the board. When an offense is “subjective” in nature, black students are suspended 2.4 times what is expected. Hispanic students suffer a similar increase in suspensions; suspended one and a half times their population for all offenses, they are suspended 1.7 times

their population for just the subjective offenses. White students, in contrast, are suspended for subjective offenses just 0.7 times as often as their population suggests.

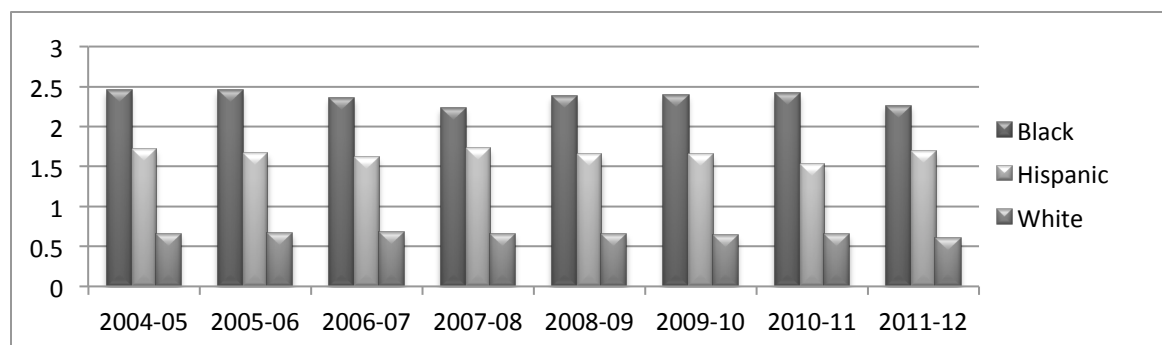


Figure 2. Ratio of Race Percentage of Subjective Offenses to Race Representation in Student Body

These distortions are markedly larger than the disparities which result when the above four subjective offenses are excluded, leaving the remaining 35 “concrete” offenses.<sup>37</sup> When these concrete offenses are isolated, white students remain under-suspended, but at much closer to the expected rate of suspension. Black and Hispanic students continue to be over-suspended, but not as much as for subjective offenses.

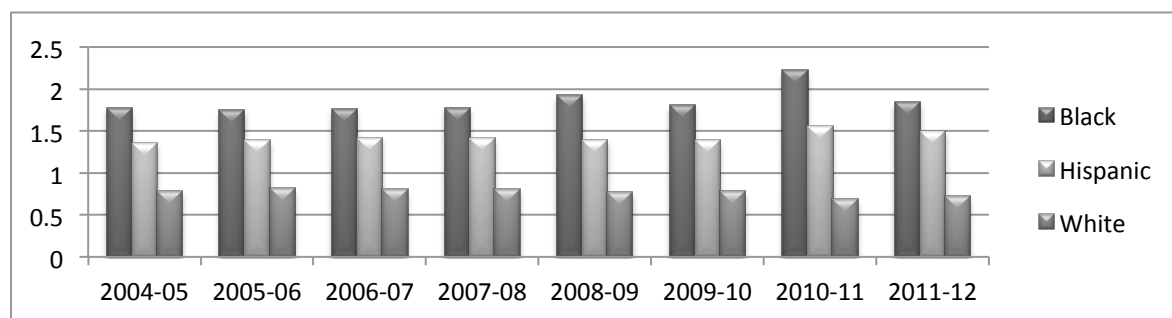


Figure 3. Ratio of Race Percentage of Concrete Offenses to Race Representation in Student Body

All of this suggests that discipline disparities may not be the result of student behavior alone, and that institutional bias could be playing an important role. If black and Hispanic students were simply more delinquent, one would expect them to generally commit more of all types of offenses at a roughly equal rate. Instead, they are suspended at higher rates for the types of offenses in which the punisher’s perception plays a role, and which often involve verbal rather than physical misconduct.



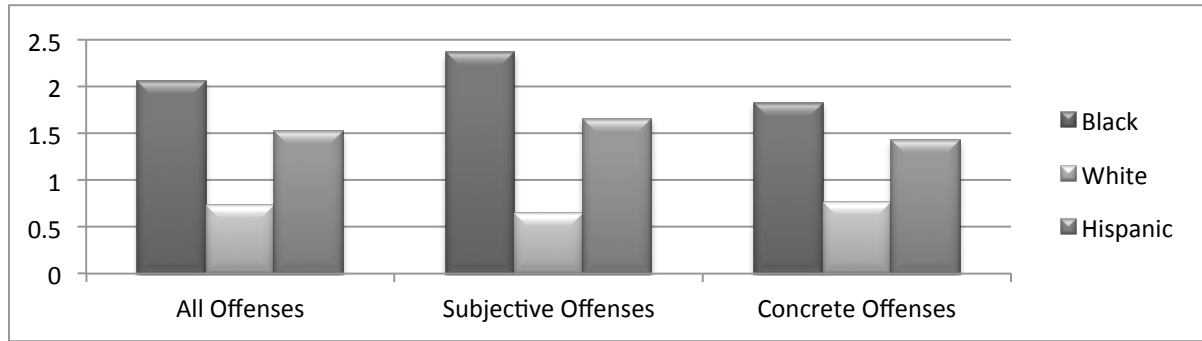


Figure 4. Comparison of Ratios for Subjective, Concrete, and All Offenses for Black, White, and Hispanic Students

For the 5,327 students who were suspended because of subjective offenses during the 2011-2012 school year, more than half of whom were black or Hispanic, the reliance on out-of-school suspensions to correct behavior bears serious consequences that can mark students for years. Concerns over the rampant and uneven use of suspensions are especially heightened when we consider that many of the suspended students are very young children whose offenses are likely to be behavioral, discretionary, and correctable by other means.

## GRADE SCHOOL VS. HIGH SCHOOL

Distressingly, elementary school suspension rates paint an even bleaker picture. Despite all of the negative consequences associated with out-of-school suspensions, young children are not immune from

harsh punishments in their most formative years.

*Of the 19,978 elementary school discipline incidents recorded*

*by RIDE during*

*the studied eight-*

*year time period, more than seventeen thousand resulted in out-of-school suspensions. Of all suspensions where the student was between kindergarten and fifth grade, 28 percent involved a black student. With black students making up just under nine percent of the elementary school student body, this is more than three times the number expected based on the racial breakdown of the student body. In contrast, white elementary school students made up just 36 percent of suspended elementary school students, just over half as many as would be expected considering they make up an average 67 percent of the population. Hispanic students remained over-suspended by about one and a half times their representation in the population, or 32 percent of suspensions to 20 percent of the population.*

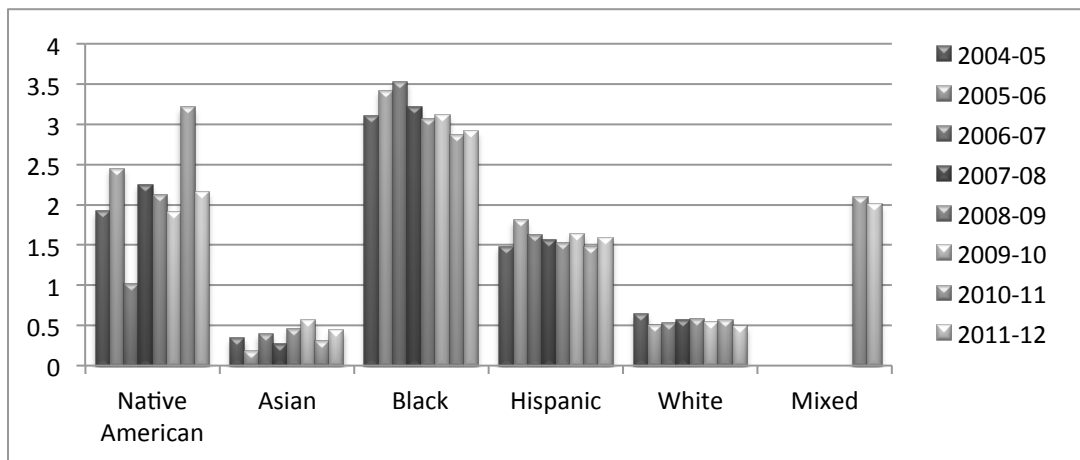


Figure 5. Ratio of Race Group Percentage of Suspensions to Race Group Percentage of Student Body, Grades K-5

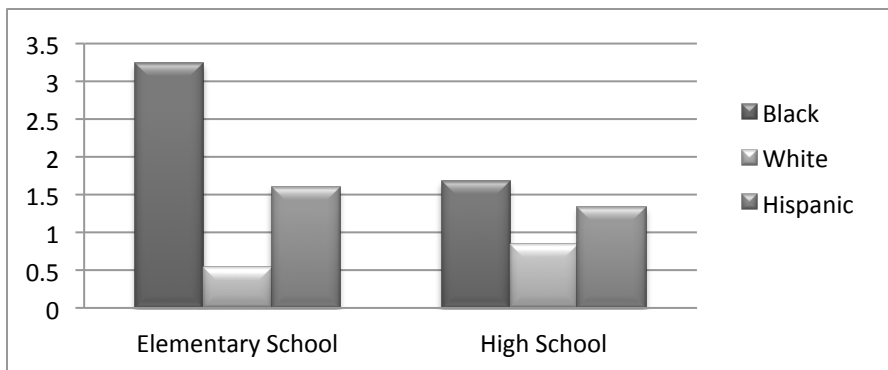


Figure 6. Suspension Rate Disparity in Elementary and High School for Black, White and Hispanic Students

This disparity is true for all types of infractions. In fact, when we compare elementary and high school disparities, we can see clearly and immediately that the problem of

disproportionate suspensions begins in the earliest years of a child’s education. While black high school students are twice as likely as white high school students to be suspended, a black elementary school student is *six times* as likely as a white elementary school student to suffer the same fate. Hispanic children face a similar reality; they are three times as likely as white students to be suspended in elementary school, while slightly more than one-and-a-half times as likely to be suspended in high school. Racial disparities begin in the earliest years of a child’s education, desensitizing minority children to the potential for a lifetime of unequal treatment by school officials and excluding them from the classroom before they have had a chance to experience much of what a classroom has to offer.

Often, these young children are suspended for subjective offenses that could be correctable by other means. “Disorderly conduct” was the most common reason for elementary school suspension in every year studied, with an average of 511 suspensions each year – a whopping 24 percent of the total suspensions. Also in the top five most common suspensions, “Insubordination/ Disrespect” accounts for a further 10 percent of suspensions each year. Rather than imposing out-of-school suspension as a rare punishment for those students who pose a serious risk to the classroom and are uncontrollable by other means, schools exclude students for just these two offenses in more than a third of elementary school suspensions.

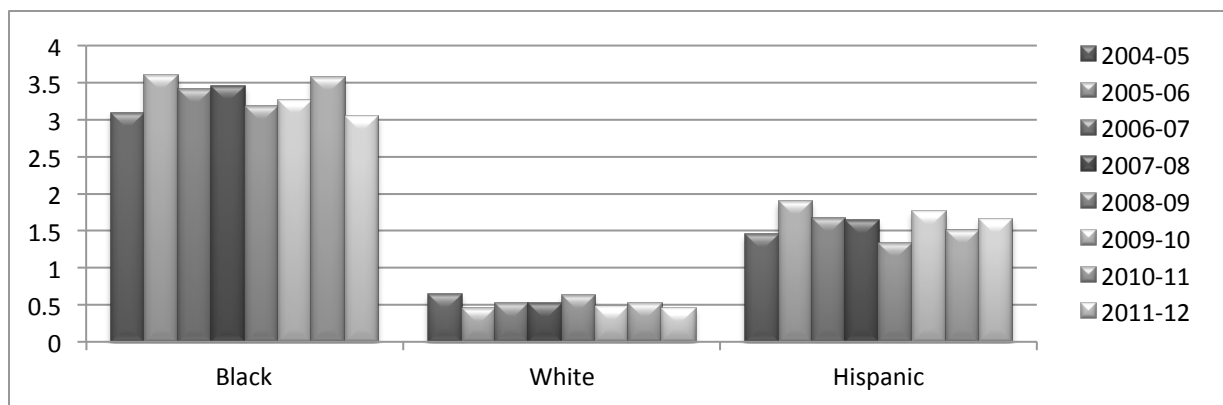


Figure 7. Suspension Disparity in Subjective Offenses, Grades K-5

Of those students punished for these vague and subjective offenses, 31 percent were black; black elementary school students were punished for “Disorderly Conduct” and “Insubordination/Disrespect” at a rate nearly three and a half times what one would expect to occur based on their population. White students also comprised a third of the students punished

for these two offenses, but relative to their numbers in the population, they were punished just half as often as expected. Minority students remain over-suspended for all other offenses, but the subjective nature of these particular offenses as well as schools' overreliance on suspension in reaction to these offenses makes this disparity particularly pronounced.

Leaving aside the significant role that subjective offenses play in the suspension of elementary school students, another major cause of suspension for young children is the potentially more serious offense of "assault." Even here, though, one must question the overreliance of such a serious punishment on such young children for conduct that – though it may deserve some type of sanction – may often constitute the type of roughhousing that kids engage in. Out-of-school suspensions appear to be the first line of discipline for even elementary school children, rather than a last resort.

Children who have been taught in their earliest years to believe they are bad and deserve to be excluded from school likely find their treatment in high school unsurprising.<sup>38</sup> Out-of-school suspensions are rampant in high school, with an average 14,836 suspensions occurring each year. While it may be easy to believe that high school students engage in more dangerous or disruptive behavior and are harder to control, the evidence indicates that out-of-school suspensions remain inappropriately used as behavior modification. Of these 14,836 annual suspensions, 5,443 – more than one-third -- are for attendance related issues. Students can be disciplined for any of five attendance-related issues: cutting/skipping class, cutting/skipping detention, leaving school grounds, tardiness, or truancy. Each attendance issue is its own specific offense, and attendance offenses comprised three of the five most frequent reasons for high school suspension in every year but one.

Similar to elementary school, subjective offenses round out the most common reason for high school suspension. "Insubordination/Disrespect" topped the list, resulting in 2,487 suspensions each year. Altogether, "Insubordination/Disrespect," "Disorderly Conduct," and the tremendously broad "Other," comprised one-third of the suspensions each year.<sup>39</sup> These three vague infractions, combined with the five concrete but non-violent designated attendance infractions, accounted for an average 69 percent of high school suspensions each year.

Unsurprisingly, minority youth yet again wind up bearing the brunt of these questionable suspensions. Black students made up eighteen percent of the suspensions for “Insubordination/Disrespect,” “Disorderly Conduct,” and “Other” – twice their representation in the high school population. White students were suspended for these same offenses at just three-quarters what is expected given their population.

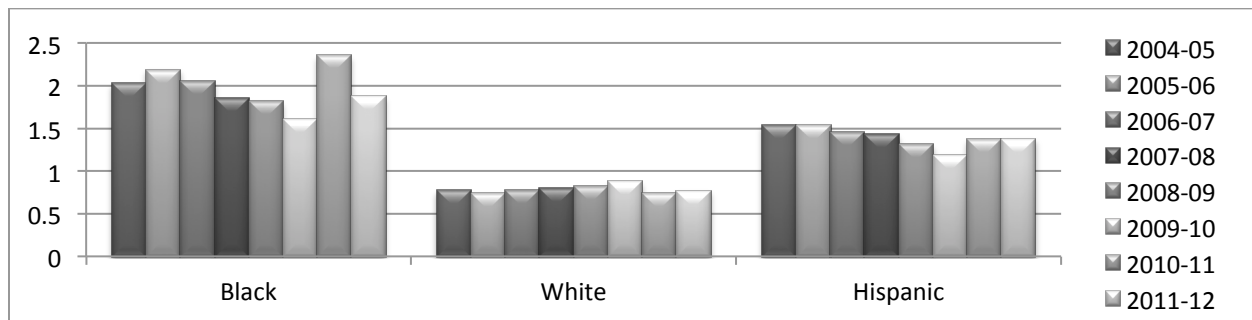


Figure 8. Suspension Disparity in Subjective Offenses, Grades 9-12

Clearly, while over-suspension remains a constant threat for minority youth, the youngest children suffer the largest discipline disparities. Black elementary school students are suspended *between three and three and a half* times as often as one would expect. As students get older, the situation begins to equalize somewhat; white suspension rates increase, while black and Hispanic rates decrease. However, as children become teenagers the nature of the offense becomes increasingly important. Disparities persist for older students when the offense involves interpretation of a behavior – perhaps tone of voice or aggressive gesturing – which likely depends on how the particular student is perceived. When an offense is “subjective,” Hispanic students continue to be punished 1.4 times the expected rate, while black students are suspended twice as often as is expected.

## ALTERNATIVE PUNISHMENTS

Acknowledging the significant discrepancies in frequency of out-of-school suspensions, it is worth briefly examining how other sanctions are doled out.

Statewide, there are three recorded ways to discipline students with removal from the classroom. In addition to out-of-school suspensions, school officials can choose between two other punishments: in-school suspensions, where a student is not permitted to attend classes but is supervised on school property during school hours, and alternative program placement (APP).<sup>40</sup> Under these alternatives, the student remains under the watchful eye of school officials who can try to ensure a student is neither losing focus on their studies nor falling into some of the bad behavior habits that can be cultivated when students are left alone at home in the middle of a school day. While the student is still disciplined and removed from the classroom their behavior may have disrupted, in-school suspensions are likely to carry far fewer negative consequences across a student's lifetime.

Minority students remain disproportionately represented among in-school suspended students, although not nearly to the same troubling degree as we have observed with out-of-school suspensions. Black youth still make up 1.7 times more in-school suspended students than their population anticipates, with Hispanic students comprising 1.4 times the number of expected students. White students make up .80 times the expected students.

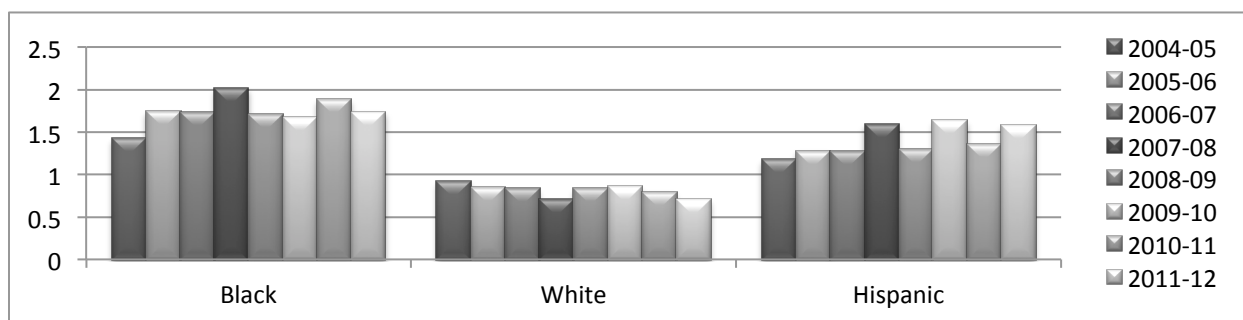


Figure 9. Ratio of Race Percentage of In-School Suspensions to Race Percentage of Student Body

Schools may also consider alternative program placement for certain students, including those who are chronically truant, face long suspensions, or commit weapons, drugs, or bodily

injury infractions. This is an infrequently used penalty, but is noteworthy for being the discipline where minority youth come closest to punishment parity. In three of the eight years studied, black youth were disproportionately *underrepresented* among students receiving APP, and in a fourth year they made up a percentage well within the expected range. However, in the 2008-2009 school year, the numbers began to shift again, with minority youth suddenly receiving a disproportionately high number of alternative program placements. That disproportionality continues.

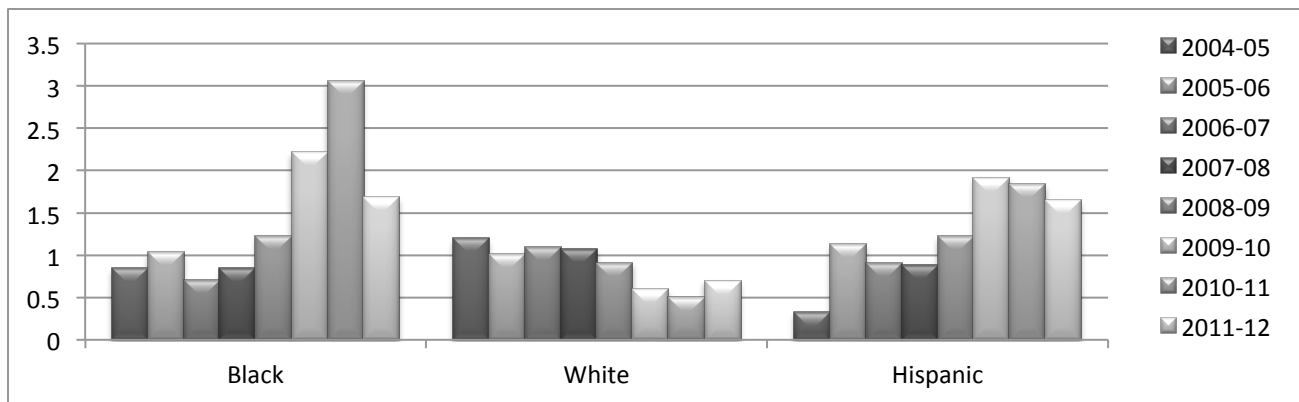


Figure 10. Ratio of Race Percentage for APP to Race Percentage of Student Body

As with out-of-school suspensions, disparities in in-school suspension and APP are aggravated when the punishment is in response to a subjective offense. White students even occasionally received alternative program placement at higher-than-expected rates for these offenses, while black and Hispanic students for a time received APP at lower-than-expected rates; unfortunately, that trend appears to be changing in recent years.

Though worth noting, we can draw no real conclusion from these particular statistics, since the non-disparity could actually represent another type of disparity – that APP is used as an alternative to out-of-school suspension more often for whites than for black students.

However, all this together supports the argument that the discrepancy in discipline rates does not result from some inherent difference in the behaviors of minority and white students, but in the decisions made by those who punish them.

## SOCIOECONOMICS

The intersections between race and poverty are complicated issues, and the first reaction to evidence of racial bias is often to wonder if the issue is not race, but poverty. School discipline data allows us to look at how children from low-income families are punished, to see if the issue is in fact one of socioeconomics.

A common indicator of low-income status among students is participation in the “free or reduced lunch” program.

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
All Races	61.21	54.50	56.15	65.49	65.15	69.17	72.58	76.01
Native American	68.58	74.08	70.94	79.56	77.55	80.25	90.38	90.17
Asian	64.90	62.43	61.43	70.39	65.05	76.62	74.69	78.39
Black	69.74	72.08	75.41	83.15	81.01	84.30	83.30	87.09
Hispanic	67.65	75.00	76.52	87.29	85.73	87.99	88.28	91.05
White	56.17	37.86	40.49	46.78	47.10	52.85	55.20	58.95
Multiracial							83.92	80.54

**Table 1. Percent of Suspended Students Receiving Free or Reduced Lunch.**

Statewide, between 49 and 75 percent of incidents resulting in out-of-school suspensions during the eight years studied involved a child receiving free or reduced lunch, while the total percent of children in Rhode Island’s public schools receiving free or reduced lunch hovers between 32 and 44 percent. Clearly, Rhode Island’s low-income students are disciplined at disproportionately high rates.

Such patterns could bear some relationship to racial disparities in school discipline. Between 2006 and 2008, 30 and 34 percent of Rhode Island’s black and Hispanic children, respectively, hailed from families with incomes below the poverty line,<sup>41</sup> climbing to 34 and 37 percent between 2008 and 2010.<sup>42</sup> In contrast, just 10 to 12 percent of Rhode Island’s white children lived below the poverty line during this time. Of the black children who received out-of-school suspensions between 2004 and 2012, between 70 and 87 percent received free or reduced lunch. Between 68 and 91 percent of Hispanic students who were suspended during this time received free or reduced lunch, with the number rising steadily over time.



Given the data showing that low-income youth are suspended more often than their middle class peers, the suspension rates of low-income youth are inevitably entangled with the discussion of racial disparities in suspension rates.

If the relationship between race and socioeconomic status were the only explanation for suspension disparities, we would expect to see discipline rates consistent with low-income status. However, while black children consistently receive the most punishments in school, Native American and Hispanic children are more likely to live in homes where the income falls below the poverty line.<sup>43</sup> Yet, while Hispanic children are over-disciplined relative to their numbers, the disparity is not as serious as that for black youth. And while Asian students are as likely as or more likely than white students to be poor (12 to 16 percent), they are disciplined at lower relative rates than white children.

Additionally, while the vast majority of minority students who are suspended receive subsidized lunches, the same does not hold for white suspended students. While 78 percent, on average, of all suspended minority students over the eight years studied received subsidized lunch, only 49 percent of white suspended students came from similarly low-income homes. While race and socioeconomic status are likely entwined, the information above suggests that poor children in Rhode Island are more likely to suffer suspensions because they are minorities, and not that minorities are likely to suffer suspensions because they are poor.

It is also reasonable to expect that if socioeconomics, race and suspensions were indivisible, individual low-income students would be suspended multiple times. Given that a high percent are low-income, black students might then be expected to have a high rate of “re-suspension.”

Instead, for concrete offenses, it is white students who have the highest number of repeat out-of-school suspensions. Black students do have higher re-suspension rates for one category: subjective offenses.

Socioeconomics certainly bear some relationship to discipline rates, and there is a large body of research that aims to determine exactly what that relationship is. But given that other groups are more impacted by poverty, it is dismissive to conclude that socioeconomics alone explains racial disparities. One final question helps shed further light on this issue: do disparities diminish in poor, urban schools, where the majority of the student body might be lacking a lunch?

## **DISTRICT DEMOGRAPHICS**

The demographics of Rhode Island school districts range from Scituate, where 0.2% of the student body over the past eight years has been black, to Newport, with 26% black enrollment during this period, to some urban charter schools where one-third of the students are black. Clearly, experiences are different in a school with just a handful of minority students than a school where minorities are well-represented, but are those differences reflected in suspension statistics?

To measure this, we examined the percentage of a school's race group that has been suspended, a method that takes the overall make-up of the student body into account. Whether a school is 50% minority or 2% minority, one would hope to see an equal percent of all students of any race receiving suspensions.

The data shows this is not the case. Focusing on black students as the group that appears to be most impacted, we find that no district suspended black students and white students at equitable rates. Thirty-eight districts or specialized schools suspended black students at higher rates than white students, with nine of these schools and districts suspending black students at a rate more than three times that of white students. Four districts and one specialized school reported white, but no black, student suspensions, although it is worth noting that each of the four school districts falling within this category have a black student population that makes up fewer than one percent of the total student body. Three other schools and districts reported no suspensions of black or white students during this time

District or Charter School	Average Black % of Population	% of All Black Students Suspended	Average Hispanic % of Population	% of All Hispanic Students Suspended	Average White % of Population	% of All White Students Suspended	Ratio of Black Suspended to White Suspended	Ratio of Hispanic Suspended to White Suspended
International Charter	19.77%	5.11%	51.90%	1.58%	22.23%	0.72%	<b>7.13</b>	2.19
Paul Cuffee Charter	22.58%	11.70%	56.04%	6.80%	11.47%	1.97%	<b>5.94</b>	3.45
Portsmouth	2.22%	5.96%	1.78%	4.35%	90.95%	1.33%	<b>4.49</b>	3.27
South Kingstown	2.48%	14.40%	2.59%	9.82%	86.36%	3.50%	<b>4.11</b>	2.81
North Smithfield	0.73%	14.02%	2.23%	10.03%	95.07%	3.59%	<b>3.90</b>	2.79
Narragansett	1.98%	10.83%	1.74%	5.95%	93.64%	2.88%	<b>3.76</b>	2.07
North Kingstown	1.50%	10.39%	1.68%	5.10%	94.09%	3.04%	<b>3.41</b>	1.68
Barrington	0.81%	5.80%	0.81%	3.71%	94.00%	1.82%	<b>3.19</b>	2.04
Smithfield	1.52%	14.79%	1.79%	10.33%	95.25%	4.75%	<b>3.11</b>	2.17
Burrillville	1.38%	16.13%	2.08%	16.53%	95.10%	5.89%	<b>2.74</b>	2.81
Newport	25.54%	23.59%	16.50%	18.48%	50.25%	9.22%	<b>2.56</b>	2.00
Bristol Warren	2.59%	16.53%	2.10%	10.28%	93.36%	6.57%	<b>2.52</b>	1.56
East Greenwich	1.24%	1.25%	2.21%	5.34%	90.76%	0.54%	<b>2.33</b>	9.89
Westerly	2.29%	10.71%	3.20%	6.93%	87.53%	4.66%	<b>2.30</b>	1.49
Exeter-West Greenwich	0.90%	11.19%	2.27%	10.26%	94.84%	4.97%	<b>2.25</b>	2.06
Highlander	30.73%	3.43%	2.27%	3.28%	13.33%	1.58%	<b>2.17</b>	2.08
Middletown	6.97%	13.73%	5.18%	8.42%	81.88%	6.43%	<b>2.14</b>	1.31
Tiverton	0.95%	17.65%	0.64%	16.36%	97.25%	8.36%	<b>2.11</b>	1.96
Coventry	1.47%	13.20%	1.51%	8.52%	95.86%	6.48%	<b>2.04</b>	1.31
MET Career & Tech	25.79%	4.49%	40.48%	4.26%	28.81%	2.21%	<b>2.03</b>	1.93
Warwick	2.44%	15.24%	4.02%	11.47%	89.85%	8.02%	<b>1.90</b>	1.43
Cranston	4.54%	14.43%	13.53%	13.94%	72.66%	7.58%	<b>1.90</b>	1.84
Lincoln	1.67%	11.28%	3.58%	12.55%	91.32%	5.98%	<b>1.89</b>	2.10
East Providence	13.35%	13.63%	5.14%	10.49%	77.49%	7.42%	<b>1.84</b>	1.41
Cumberland	2.48%	8.24%	5.13%	10.64%	88.68%	4.49%	<b>1.83</b>	2.37
Providence	21.40%	22.74%	59.59%	14.45%	11.24%	12.48%	<b>1.82</b>	1.16
Johnston	3.66%	12.57%	9.20%	10.78%	83.80%	7.54%	<b>1.67</b>	1.43
Urban Collaborative	19.95%	27.03%	61.58%	22.47%	16.53%	16.46%	<b>1.64</b>	1.37
Woonsocket	9.96%	17.14%	24.35%	16.41%	55.62%	10.64%	<b>1.61</b>	1.54
Central Falls	13.77%	9.72%	70.39%	6.58%	14.17%	6.73%	<b>1.45</b>	0.98
North Providence	6.78%	10.71%	12.32%	10.36%	77.34%	7.63%	<b>1.40</b>	1.36
Chariho	1.37%	6.44%	1.51%	9.02%	94.21%	4.67%	<b>1.38</b>	1.93
West Warwick	4.04%	11.71%	4.02%	10.03%	83.04%	8.59%	<b>1.36</b>	1.17
Beacon Charter	6.83%	10.78%	11.41%	13.24%	76.60%	8.13%	<b>1.33</b>	1.63
Davies Career & Tech	12.35%	17.49%	30.06%	12.92%	54.62%	14.00%	<b>1.25</b>	0.92
Pawtucket	23.67%	11.21%	30.03%	10.70%	41.94%	9.31%	<b>1.20</b>	1.15
Foster-Glocester	0.88%	11.40%	0.66%	11.83%	97.82%	9.97%	<b>1.14</b>	1.19
Blackstone Academy	23.32%	10.88%	50.57%	11.07%	23.46%	15.69%	<b>0.69</b>	0.71

**Table 2. Ratio of Black and Hispanic Suspensions to White Suspensions by School District or Charter School**

In examining this data, there is no obvious geographic or demographic-based trend that can account for the disparities among white and minority youth. Racial inequity appears to be a statewide problem, one that isn't erased simply by equalizing the student population.

## RACIAL DISPARITY TODAY

Minority students make up small percentages of the student population, but a large percentage of the students who are excluded from school at any given time. A minority student in Rhode Island's school is far more likely than a white student to find themselves suspended from school one or multiple times during their education.

Race	Enrolled students 2004-2012	Suspended Students	Percent of Race Group Suspended
White	801,421	49,430	6.17
Hispanic	220,031	28,677	13.03
Black	101,928	17,473	17.14
Asian	36,962	2,097	5.67
Native American	8,036	1,178	14.66
Multiracial	7,071	706	9.98

Table 3. Percent of Students of Each Race Suspended From 2004-2012

While one in sixteen white students received a suspension during the period studied, one in six black students suffered the same fate.

The discipline gap is a problem by no means unique to Rhode Island. As we previously noted, in March 2012 the Office of Civil Rights of the U.S. Department of Education released data showing that in 2009-2010, black students comprised just 18 percent of school enrollment nationwide, but held the distinction of being 35 percent of those students suspended once, and 46 percent of students suspended multiple times.<sup>44</sup>

Rhode Island's black students, eight percent of the population in 2011, were 15 percent of those students suspended once that year, nearly twice their student population rate, and 12 percent of those students receiving multiple suspensions in the school year, or 1.5 times what would be expected. The statistics from 2004 were only slightly better. That year, black students were suspended once at 2.1 times their population, and suspended multiple times 1.7 times their population. In short, on average over the years studied, black students suffered a single suspension twice as often as their numbers predict; for multiple suspensions, 1.7 times as often. If there has been any improvement in the exclusion of black students from Rhode Island's classrooms in the last decade, it has been minuscule.

Distressingly, Hispanic students are being affected as well. Although the disparity in suspensions between Hispanic and white students is currently smaller than that of black and white students, it is unlikely to remain that way for long. Relative to their population in the student body, Hispanic students today suffer disparate suspension rates similar to those faced by black students ten years ago. Given the patterns emerging over the last eight years, there is no reason to believe they will not soon find themselves facing the exact same disproportionate suspensions black students face today.

If we assume that the approximately 100,000 Rhode Island public school students who were suspended between 2004 and 2012 are an “at risk” group in terms of academic and occupational success, black students clearly suffered more than other ethnic groups from going through the disciplinary process, and face the greater consequences of that disparity.

## CONCLUSION AND RECOMMENDATIONS

Nationwide, the “school-to-prison” pipeline transports children from the classroom to the courtroom at staggering rates. There is no longer any real debate as to whether such a pipeline exists, or whether minority students are shoved to the front of the pipeline at disproportionate rates nationwide; the problem is very real and, as this report demonstrates, Rhode Island is not immune. As the country examines how best to confront out-of-control suspensions and reestablish school as a place where futures can be built and not destroyed by the ill effects of out-of-school suspension, Rhode Island’s schools, families, and communities must do the same.

The Rhode Island data is clear: too many students are suspended, too many students are suspended for minor offenses, and the inappropriately reflexive use of out-of-school discipline extends even to the youngest children. Worse, the discipline data collected by the Rhode Island Department of Education clearly shows severe differences in the disciplinary experiences of minority youth compared to their peers. Instead of effectively redirecting behavior and encouraging children to engage fully in their own education, schools across Rhode Island have alienated and excluded some children too quickly and too often. The mission of public schools is to assist children in becoming knowledgeable, capable adults, but the barriers imposed by a school discipline system skewed toward bias and over-suspension undermine those efforts. From the earliest years of their education, black and Hispanic youth are shuttled away from the classroom and onto a path toward future obstacles and tribulations.

These disparities need not exist. Through close evaluation of the policies and procedures which have lead to these institutional biases, Rhode Island’s schools can protect the safety and security of children, encourage appropriate behavior, and offer black and Hispanic students equal access to education that they are currently denied. For more than a decade we have known that minority students are disproportionately punished by their schools, and we cannot wait another decade to see the problem grow even worse.

The ACLU of Rhode Island recommends the following actions be taken immediately to address these discipline disparities:



- Schools should minimize the use of out-of-school suspensions, applying them only when necessary to protect the safety of other students or when other attempts at correcting behavior have failed.
- School districts should examine annually their discipline rates for any racial or ethnic disparities, make this information available to parents and the public, and identify ways to eliminate any disparities in the future, including teacher and administrator training and supports.
- Schools should make their policies and procedures regarding discipline of students easily accessible, and ensure that punishments are clearly and evenly established for various offenses.
- The Department of Education should investigate and promote the use of evidence-based disciplinary methods, including positive behavior interventions.

Rhode Island promises each of its students a fair and robust education, so they can pursue all the opportunities available to them. By tackling school discipline disparities and working to dismantle the school-to-prison pipeline, we may finally be able to live up to promises we offer all of our children.<sup>45</sup>

## APPENDIX

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	Average
White	7,942	7,522	6,219	6,185	6,088	5,635	5,260	4,579	6,154.88
Hispanic	3,969	3,855	3,746	3,427	3,332	3,180	3,638	3,530	3,514.38
Black	2,692	2,446	2,317	2,064	2,182	2,108	1,930	1,734	2,163.50
Asian	362	301	307	245	271	246	177	188	259.63
Native American	170	168	158	136	152	147	118	129	147.13
Multiracial	--	--	--	--	--	--	347	359	353.00
Total	15,135	14,263	13,416	12,041	12,016	11,325	11,448	10,499	12,517.88

**Table 1-A. Number of Individual Students Receiving Out-of-School Suspensions<sup>1</sup>**

	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	Average
White	37,108	35,365	31,323	26,406	24,980	23,627	20,469	18,472	27,219
Hispanic	16,947	17,131	16,475	14,222	14,144	13,216	14,748	13,898	15,098
Black	11,879	11,589	10,808	9,382	9,664	9,169	8,175	7,210	9,735
Asian	1503	1,419	1294	1,040	1,164	996	613	564	1,074
Native American	902	777	698	540	650	617	588	529	663
Multiracial	--	--	--	--	--	--	1,793	1,466	1,630
Total	68,339	66,281	60,598	51,590	50,602	47,625	46,386	42,139	54,195

**Table 2-A. Total Number of Out-of-School Suspension Days**

	2004-2005			2005-2006		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	70.87	53.70	<b>0.76</b>	70.38	53.18	<b>0.76</b>
Hispanic	16.76	25.16	1.50	17.31	26.06	1.51
Black	8.58	17.53	<b>2.04</b>	8.58	17.53	<b>2.04</b>
Asian	3.19	2.25	0.71	3.09	1.85	0.60
Native American	0.59	1.36	2.31	0.65	1.38	2.12
	2006-2007			2007-2008		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	69.41	52.17	<b>0.75</b>	68.88	51.18	<b>0.74</b>
Hispanic	18.00	26.99	1.50	18.39	27.57	1.50
Black	8.82	17.71	<b>2.01</b>	8.92	18.19	<b>2.04</b>
Asian	3.09	1.99	0.64	3.13	2.02	0.65
Native American	0.68	1.14	1.68	0.69	1.05	1.52
	2008-2009			2009-2010		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	68.48	49.36	<b>0.72</b>	67.92	49.43	<b>0.73</b>
Hispanic	18.56	27.95	1.51	18.60	27.65	1.49
Black	9.05	19.09	<b>2.11</b>	9.26	19.18	<b>2.07</b>
Asian	3.19	2.30	0.72	3.37	2.08	0.62
Native American	0.73	1.30	1.78	0.85	1.29	1.52
	2010-2011			2011-2012		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	65.02	43.93	<b>0.68</b>	63.89	43.06	<b>0.67</b>
Hispanic	20.90	32.40	1.55	21.62	34.16	1.58
Black	8.00	17.32	<b>2.17</b>	8.16	16.48	<b>2.02</b>
Asian	3.05	1.34	0.44	3.06	1.42	0.46
Native American	0.66	1.27	1.92	0.64	1.35	2.11
Multiracial	2.37	3.74	1.58	2.64	3.53	1.34

**Table 3-A. Ratio of Race Group Suspension Rate to Student Body Representation for All Offenses**

	Total Suspensions	Suspensions for "Subjective" Offenses	Suspensions for "Concrete" Offenses
2004-2005	29,945	11,981	17,964
2005-2006	29,704	12,355	17,349
2006-2007	28,103	11,520	16,583
2007-2008	24,587	10,185	14,402
2008-2009	24,911	9,789	15,122
2009-2010	24,587	10,185	14,402
2010-2011	24,460	9,249	15,211
2011-2012	21,848	9,133	12,715

**Table 4-A. Total Number of Suspensions for "Subjective" and "Concrete" Offenses**

	2004-2005			2005-2006		
	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	70.87	47.06	<b>0.66</b>	70.38	47.17	<b>0.67</b>
Hispanic	16.76	28.89	1.72	17.31	28.96	1.67
Black	8.58	21.03	<b>2.45</b>	8.58	21.05	<b>2.45</b>
Asian	3.19	1.49	0.47	3.09	1.11	0.36
Native American	0.59	1.53	2.59	0.65	1.71	2.63
	2006-2007			2007-2008		
	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	69.41	47.35	<b>0.68</b>	68.88	45.78	<b>0.66</b>
Hispanic	18.00	28.98	1.61	18.39	31.88	1.73
Black	8.82	20.82	<b>2.36</b>	8.92	19.87	<b>2.23</b>
Asian	3.09	1.51	0.49	3.13	1.33	0.42
Native American	0.68	1.34	1.97	0.69	1.14	1.65
	2008-2009			2009-2010		
	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	68.48	45.07	<b>0.66</b>	67.92	43.66	<b>0.64</b>
Hispanic	18.56	30.55	1.65	18.60	30.71	1.65
Black	9.05	21.50	<b>2.38</b>	9.26	22.12	<b>2.39</b>
Asian	3.19	1.39	0.44	3.37	1.62	0.48
Native American	0.73	1.48	2.03	0.85	1.65	1.94
	2010-2011			2011-2012		
	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	65.02	42.22	<b>0.65</b>	63.89	38.61	<b>0.60</b>
Hispanic	20.90	32.08	1.53	21.62	36.58	1.69
Black	8.00	19.35	<b>2.42</b>	8.16	18.48	<b>2.26</b>
Asian	3.05	1.08	0.35	3.06	1.04	0.34
Native American	0.66	1.46	2.21	0.64	1.42	2.22
Multiracial	2.37	3.81	1.61	2.64	3.85	1.46

**Table 5-A. Statewide Race Disparity in Out-of-School Suspensions for "Subjective" Offenses**

	2004-2005			2005-2006		
	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body
White	70.87	56.14	<b>0.79</b>	70.38	57.46	<b>0.82</b>
Hispanic	16.76	22.68	1.35	17.31	23.99	1.39
Black	8.58	15.19	<b>1.77</b>	8.58	15.02	<b>1.75</b>
Asian	3.19	2.75	0.86	3.09	2.39	0.77
Native American	0.59	1.24	2.10	0.65	1.14	1.75
	2006-2007			2007-2008		
	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body
White	69.41	55.51	<b>0.80</b>	68.88	54.76	<b>0.80</b>
Hispanic	18.00	25.61	1.42	18.39	26.00	1.41
Black	8.82	15.55	<b>1.76</b>	8.92	15.91	<b>1.78</b>
Asian	3.09	2.33	0.75	3.13	2.23	0.71
Native American	0.68	1.00	1.47	0.69	1.10	1.59
	2008-2009			2009-2010		
	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body
White	68.48	52.72	<b>0.77</b>	67.92	53.88	<b>0.79</b>
Hispanic	18.56	26.02	1.40	18.60	25.84	1.39
Black	9.05	17.50	<b>1.93</b>	9.26	16.75	<b>1.81</b>
Asian	3.19	2.45	0.77	3.37	2.09	0.62
Native American	0.73	1.31	1.79	0.85	1.06	1.25
	2010-2011			2011-2012		
	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of "Concrete" Suspensions	Ratio of Suspensions to Student Body
White	65.02	44.97	<b>0.69</b>	63.89	46.25	<b>0.72</b>
Hispanic	20.90	32.59	1.56	21.62	32.42	1.50
Black	8.00	16.08	<b>2.01</b>	8.16	15.05	<b>1.84</b>
Asian	3.05	1.50	0.49	3.06	1.69	0.55
Native American	0.66	1.16	1.76	0.64	1.30	2.03
Multiracial	2.37	3.69	1.56	2.64	3.30	1.25

**Table 6-A. Statewide Race Disparity in Out-of-School Suspension Rates for "Concrete" Offenses.**

	White	Hispanic	Black	Asian	Native American	Multiracial	Total
2004-2005	3,496	1,999	1,419	127	96	--	7,137
2005-2006	4,322	2,593	1,785	146	130	--	8,976
2006-2007	3,901	2,450	1,638	132	107	--	8,228
2007-2008	3,550	2,342	1,472	121	86	--	7,571
2008-2009	3,445	2,212	1,528	125	103	--	7,413
2009-2010	3,040	2,084	1,437	124	90	--	6,775
2010-2011	2,382	1,779	1,171	88	136	194	5,750
2011-2012	2,141	1,906	989	74	75	197	5,382

**Table 7-A. Number of Students of Each Race Group Suspended for "Subjective" Offenses Annually**

	Incidents Resulting in Discipline	Incidents Resulting in Out-of-School Suspension
2004-2005	2,654	2,179
2005-2006	2,304	2,051
2006-2007	2,295	1,986
2007-2008	2,217	1,961
2008-2009	2,486	2,227
2009-2010	2,948	2,239
2010-2011	2,519	2,193
2011-2012	2,555	2,297
Total Over Eight Years	19,978	17,133

**Table 8-A. Total Number of Discipline Incidents and Suspensions, Elementary School**

	2004-2005			2005-2006		
	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body
White	69.62	44.82	<b>0.64</b>	68.94	34.79	<b>0.50</b>
Hispanic	18.05	26.64	1.48	18.63	33.67	1.81
Black	8.47	26.26	<b>3.10</b>	8.59	29.41	<b>3.42</b>
Asian	3.24	1.47	0.34	3.20	3.19	0.18
Native American	0.62	1.19	1.92	0.64	1.57	2.45
	2006-2007			2007-2008		
	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body
White	68.08	35.65	<b>0.52</b>	67.51	38.35	<b>0.57</b>
Hispanic	19.22	31.27	1.63	19.64	30.70	1.56
Black	8.81	31.12	<b>3.53</b>	8.83	28.35	<b>3.21</b>
Asian	3.13	1.62	0.39	3.25	1.56	0.27
Native American	0.75	0.76	1.01	0.77	1.73	2.25
	2008-2009			2009-2010		
	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body
White	67.00	38.84	<b>0.58</b>	66.88	36.44	<b>0.54</b>
Hispanic	19.82	30.18	1.52	19.28	31.58	1.64
Black	9.03	27.75	<b>3.07</b>	9.02	28.18	<b>3.12</b>
Asian	3.3	0.93	0.46	3.54	0.80	0.56
Native American	0.81	1.71	2.11	0.96	1.83	1.91
	2010-2011			2011-2012		
	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body
White	62.97	35.14	<b>0.56</b>	61.73	30.47	<b>0.49</b>
Hispanic	22.45	33.31	1.48	23.19	36.92	1.59
Black	7.81	22.32	<b>2.86</b>	8.01	23.32	<b>2.91</b>
Asian	3.17	0.96	0.30	3.17	1.38	0.44
Native American	0.66	2.12	3.21	0.64	1.38	2.16
Multiracial	2.94	6.15	2.09	3.26	6.52	2.00

**Table 9-A. Statewide Race Disparity in Out-of-School Suspensions, Grades K-5.**

	2004-2005			2005-2006		
	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body
White	69.62	45.26	<b>0.65</b>	68.94	31.65	<b>0.46</b>
Hispanic	18.05	26.16	1.45	16.63	35.37	2.13
Black	8.47	26.16	<b>3.09</b>	8.59	30.94	<b>3.60</b>
Asian	3.24	1.09	0.34	3.20	0.48	0.15
Native American	0.62	1.34	2.16	0.64	1.56	2.44
	2006-2007			2007-2008		
	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body
White	68.08	35.75	<b>0.53</b>	67.51	34.96	<b>0.52</b>
Hispanic	19.22	32.26	1.68	19.64	32.22	1.64
Black	8.81	30.03	<b>3.41</b>	8.83	30.46	<b>3.45</b>
Asian	3.13	1.40	0.45	3.25	1.07	0.33
Native American	0.75	0.56	0.75	0.77	1.31	1.70
	2008-2009			2009-2010		
	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body
White	67.00	42.05	<b>0.63</b>	66.88	31.91	<b>0.48</b>
Hispanic	19.82	26.59	1.34	19.28	33.99	1.76
Black	9.03	28.70	<b>3.18</b>	9.02	29.52	<b>3.27</b>
Asian	3.30	1.22	0.37	3.54	2.18	0.62
Native American	0.81	1.45	1.79	0.96	2.39	2.49
	2010-2011			2011-2012		
	Percent of K-5 Student Body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student body	Percent of K-5 Student body	Percent of K-5 Subjective Suspensions	Ratio of Subjective Suspensions to Student Body
White	62.97	33.43	<b>0.53</b>	61.73	28.25	<b>0.46</b>
Hispanic	22.45	33.83	1.51	23.19	38.60	1.66
Black	7.81	27.88	<b>3.57</b>	8.01	24.34	<b>3.04</b>
Asian	3.17	2.18	0.69	3.17	0.82	0.26
Native American	0.66	2.68	4.06	0.64	1.45	2.27
Multiracial	2.94	6.65	2.26	3.26	6.54	2.01

Table 10-A. Statewide Race Disparity in Out-of-School Suspensions for Subjective Offense, Grades K-5

	2004-2005			2005-2006		
	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body
White	72.34	62.77	<b>0.87</b>	71.90	60.57	<b>0.84</b>
Hispanic	15.11	20.15	1.33	15.81	21.65	1.37
Black	8.80	13.37	<b>1.52</b>	8.73	14.33	<b>1.64</b>
Asian	3.17	2.37	0.75	2.93	1.86	0.63
Native American	0.58	1.33	2.29	0.63	1.59	2.52
	2006-2007			2007-2008		
	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body
White	70.88	61.60	<b>0.87</b>	69.98	60.05	<b>0.86</b>
Hispanic	16.61	21.68	1.31	17.14	22.57	1.32
Black	8.87	13.80	<b>1.56</b>	9.21	14.48	<b>1.57</b>
Asian	3.04	1.84	0.61	3.01	1.76	0.58
Native American	0.60	1.09	1.82	0.67	1.15	1.72
	2008-2009			2009-2010		
	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body
White	69.56	56.98	<b>0.82</b>	68.78	60.28	<b>0.88</b>
Hispanic	17.34	22.67	1.31	17.80	21.12	1.19
Black	9.35	17.01	<b>1.82</b>	9.45	15.24	<b>1.61</b>
Asian	3.08	1.87	0.61	3.23	1.59	0.49
Native American	0.66	1.47	2.23	0.75	1.22	1.63
	2010-2011			2011-2012		
	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body
White	67.24	49.00	<b>0.73</b>	66.07	53.23	<b>0.81</b>
Hispanic	19.18	29.04	1.51	19.99	27.07	1.34
Black	8.52	16.22	<b>1.90</b>	8.47	13.93	<b>1.64</b>
Asian	2.89	1.28	0.44	3.05	1.51	0.50
Native American	0.56	1.12	2.00	0.56	1.22	2.18
Multiracial	1.62	3.35	2.07	1.86	3.03	1.63

**Table 11-A. Statewide Race Disparity in Out-of-School Suspensions, Grades 9-12**

2004-2005:	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Disorderly Conduct: 22.81%	Disorderly Conduct: 23.94%	Disorderly Conduct: 25.58%	Disorderly Conduct: 26.72%	Disorderly Conduct: 20.34%	Disorderly Conduct: 22.89%	Disorderly Conduct: 24.81%	Disorderly Conduct: 24.40%
Assault of Student: 17.21%	Assault of Student: 21.60%	Assault of Student: 22.72%	Assault of Student: 17.08%	Assault of Student: 18.01%	Assault of Student: 20.31%	Assault of Student: 17.68%	Assault of Student: 17.37%
Fighting: 15.88%	Fighting: 15.21%	Fighting: 14.38%	Fighting: 12.85%	Fighting: 14.28%	Fighting: 13.31%	Fighting: 14.19%	Fighting: 12.36%
Threat/ Intimidation: 8.26%	Insubordination/ Disrespect: 10.73%	Insubordination/ Disrespect: 6.90%	Insubordination/ Disrespect: 7.65%	Insubordination/ Disrespect: 10.72%	Insubordination/ Disrespect: 8.71%	Insubordination/ Disrespect: 12.93%	Insubordination / Disrespect: 10.85%
Insubordination/ Disrespect: 8.26%	Threat/ Intimidation: 4.92%	Assault of Teacher: 6.16%	Threat/ Intimidation: 6.07%	Threat/ Intimidation: 6.51%	Harassment – Verbal/ Physical: 6.57%	Harassment – Verbal/ Physical: 6.36%	Harassment – Verbal/Physical: 6.93%

**Table 12-A. Five Most Common Offenses Leading to Suspension, Elementary School**

	Number of Suspensions							Ratio of Suspensions to Population Rate					
	White	Hispanic	Black	Asian	Native American	Multiracial	Total	White	Hispanic	Black	Asian	Native American	Multiracial
2004-2005	295	176	187	8	11	--	677	0.63	1.44	3.26	0.37	2.58	--
2005-2006	230	243	223	3	12	--	711	0.47	2.06	3.65	0.13	0.29	--
2006-2007	203	203	194	8	4	--	612	0.49	1.73	3.60	0.42	0.88	--
2007-2008	243	215	197	9	10	--	674	0.54	1.63	3.32	0.39	1.88	--
2008-2009	292	188	197	7	8	--	692	0.63	1.16	3.17	0.30	1.50	--
2009-2010	226	267	199	20	18	--	730	0.46	1.90	3.03	0.77	2.50	--
2010-2011	252	276	186	6	10	43	773	0.52	1.59	3.09	0.25	2.29	1.93
2011-2012	248	267	218	7	10	46	796	0.51	1.44	3.43	2.81	2.17	1.76

**Table 13-A. K-5 Suspensions for "Disorderly Conduct" and "Insubordination/Disrespect" by Race**

2004-2005:	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Insubordination/Disrespect: 14.11%	Insubordination/Disrespect: 18.61%	Insubordination/Disrespect: 18.78%	Insubordination/Disrespect: 17.15%	Insubordination/Disrespect: 15.91%	Attendance – Cut/Skipped Detention: 18.00%	Insubordination/Disrespect: 17.19%	Attendance – Cut/Skipped Detention: 22.22%
Attendance – Cut/Skipped Detention: 13.36%	Attendance – Cut/Skipped Class: 12.40%	Attendance – Cut/Skipped Class: 12.03%	Attendance – Cut/Skipped Detention: 13.71%	Attendance – Cut/Skipped Detention: 15.73%	Insubordination/Disrespect: 16.90%	Attendance – Cut/Skipped Detention: 15.16%	Insubordination/Disrespect: 15.48%
Attendance – Cut/Skipped Class: 12.59%	Attendance – Cut/Skipped Detention: 11.82%	Attendance – Cut/Skipped Detention: 11.14%	Attendance – Cut/Skipped Class: 10.97%	Attendance – Cut/Skipped Class: 10.75%	Attendance – Cut/Skipped Class: 12.01%	Attendance – Cut/Skipped Class: 12.94%	Attendance – Cut/Skipped Class: 11.36%
Other: 11.37%	Attendance – Left School Grounds: 9.88%	Attendance – Left School Grounds: 9.22%	Attendance – Left School Grounds: 10.01%	Attendance – Left School Grounds: 9.01%	Attendance – Left School Grounds: 10.24%	Attendance – Left School Grounds: 9.24%	Attendance – Left School Grounds: 8.64%
Disorderly Conduct: 9.53%	Other: 8.97%	Other: 8.77%	Disorderly Conduct: 8.29%	Disorderly Conduct: 8.72%	Disorderly Conduct: 7.30%	Disorderly Conduct: 8.77%	Disorderly Conduct: 7.46%

**Table 14-A. Five Most Common Offenses Leading to Suspension, High School**



	Number of Suspensions							Ratio of Suspensions to Population Rate					
	White	Hispanic	Black	Asian	Native American	Multiracial	Total	White	Hispanic	Black	Asian	Native American	Multiracial
2004-2005	3,315	1,216	861	144	86	--	5,622	0.82	1.43	1.74	0.81	2.50	--
2005-2006	3,372	1,495	1087	117	135	--	6,206	0.76	1.53	2.01	0.66	3.67	--
2006-2007	3,001	1,393	950	100	65	--	5,509	0.77	1.52	1.93	0.60	2.00	--
2007-2008	2,470	1,122	730	69	56	--	4,447	0.79	1.47	1.78	0.53	1.86	--
2008-2009	2,520	1,319	1,009	86	91	--	5,025	0.72	1.51	2.14	0.55	2.57	--
2009-2010	2,205	815	690	45	62	--	3,817	0.84	1.20	1.91	0.38	2.00	--
2010-2011	1,959	1,104	780	40	60	102	4,049	0.72	1.42	2.27	0.35	2.50	1.63
2011-2012	1,640	1,034	590	30	60	121	3,464	0.72	1.29	2.00	0.36	2.00	1.84

Table 15-A. 9-12 Suspensions for "Insubordination/Disrespect," "Disorderly Conduct," and "Other."

	2004-2005			2005-2006		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	70.87	65.04	<b>0.92</b>	70.38	59.70	<b>0.85</b>
Hispanic	16.76	19.74	1.18	17.31	22.16	1.28
Black	8.58	12.26	<b>1.43</b>	8.58	15.04	<b>1.75</b>
Asian	3.19	1.99	0.62	3.09	1.75	0.57
Native American	0.59	0.97	1.64	0.65	1.35	2.08
	2006-2007			2007-2008		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	69.41	58.53	<b>0.84</b>	68.88	49.03	<b>0.71</b>
Hispanic	18.00	22.82	1.27	18.39	29.43	1.60
Black	8.82	15.30	<b>1.73</b>	8.92	17.98	<b>2.02</b>
Asian	3.09	1.69	0.55	3.13	1.94	0.62
Native American	0.68	1.66	2.44	0.69	1.61	2.33
	2008-2009			2009-2010		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	68.48	57.22	<b>0.84</b>	67.92	50.57	<b>0.86</b>
Hispanic	18.56	24.12	1.30	18.60	30.55	1.64
Black	9.05	15.47	<b>1.71</b>	9.26	15.51	<b>1.67</b>
Asian	3.19	1.89	0.59	3.37	1.59	0.47
Native American	0.73	1.30	1.78	0.85	1.74	2.05
	2010-2011			2011-2012		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	65.02	51.83	<b>0.80</b>	63.89	45.16	<b>0.71</b>
Hispanic	20.90	28.52	1.36	21.62	34.10	1.58
Black	8.00	15.09	<b>1.89</b>	8.16	14.18	<b>1.74</b>
Asian	3.05	1.58	0.52	3.06	1.88	0.61
Native American	0.66	2.98	4.52	0.64	1.41	2.20
Multiracial	2.37	3.22	1.36	2.64	3.25	1.23

Table 16-A. Statewide Disparity in In-School Suspensions

	2004-2005			2005-2006		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	70.87	85.39	<b>1.20</b>	70.38	71.11	<b>1.01</b>
Hispanic	16.76	5.51	0.33	17.31	19.51	1.13
Black	8.58	7.31	<b>0.85</b>	8.58	8.89	<b>1.04</b>
Asian	3.19	0.70	0.22	3.09	0.49	0.16
Native American	0.59	1.10	1.86	0.65	0.00	0.00
	2006-2007			2007-2008		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	69.41	75.52	<b>1.09</b>	68.88	74.32	<b>1.08</b>
Hispanic	18.00	16.13	0.90	18.39	16.33	0.89
Black	8.82	6.30	<b>0.71</b>	8.92	7.51	<b>0.84</b>
Asian	3.09	1.98	0.64	3.13	1.56	0.50
Native American	0.68	0.08	0.12	0.69	0.28	0.41
	2008-2009			2009-2010		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	68.48	62.50	<b>0.91</b>	67.92	40.68	<b>0.60</b>
Hispanic	18.56	22.60	1.22	18.60	35.63	1.92
Black	9.05	11.1	<b>1.23</b>	9.26	20.53	<b>2.22</b>
Asian	3.19	3.51	1.10	3.37	2.58	0.77
Native American	0.73	0.29	0.40	0.85	0.57	0.67
	2010-2011			2011-2012		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	65.02	32.52	<b>0.50</b>	63.89	44.41	<b>0.70</b>
Hispanic	20.90	38.49	1.84	21.62	35.61	1.65
Black	8.00	24.44	<b>3.06</b>	8.16	13.82	<b>1.69</b>
Asian	3.05	2.64	0.87	3.06	0.44	0.14
Native American	0.66	1.90	2.88	0.64	0.63	0.98
Multiracial	2.37	2.46	1.04	2.64	5.07	1.92

Table 17-A. Statewide Disparity in APP

	2004-2005			2005-2006		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	70.87	46.81	<b>0.66</b>	70.38	46.36	<b>0.66</b>
Hispanic	16.76	29.63	1.77	17.31	29.46	1.70
Black	8.58	20.43	<b>2.38</b>	8.58	21.30	<b>2.48</b>
Asian	3.19	1.92	0.60	3.09	1.78	0.58
Native American	0.59	1.21	2.05	0.65	1.10	1.69
	2006-2007			2007-2008		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	69.41	41.85	<b>0.60</b>	68.88	41.17	<b>0.60</b>
Hispanic	18.00	32.19	1.79	18.39	34.68	1.89
Black	8.82	22.47	<b>2.55</b>	8.92	21.57	<b>2.42</b>
Asian	3.09	1.75	0.57	3.13	1.52	0.49
Native American	0.68	1.75	2.57	0.69	1.06	1.54
	2008-2009			2009-2010		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	68.48	45.43	<b>0.66</b>	67.92	35.32	<b>0.52</b>
Hispanic	18.56	31.82	1.71	18.60	41.62	2.24
Black	9.05	19.38	<b>2.14</b>	9.26	20.14	<b>2.18</b>
Asian	3.19	2.06	0.65	3.37	1.35	0.40
Native American	0.73	1.32	1.81	0.85	1.54	1.81
	2010-2011			2011-2012		
	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body	Percent of Student Body	Percent of In-School Suspensions	Ratio of In-School Suspensions to Student Body
White	65.02	42.38	<b>0.65</b>	63.89	35.50	<b>0.56</b>
Hispanic	20.90	34.73	1.66	21.62	41.00	1.90
Black	8.00	19.02	<b>2.38</b>	8.16	17.40	<b>2.13</b>
Asian	3.05	1.45	0.48	3.06	1.49	0.49
Native American	0.66	2.42	3.67	0.64	1.53	2.39
Multiracial	2.37	3.74	1.58	2.64	3.09	1.17

Table 18-A. Statewide Disparity in In-School Suspensions for Subjective Offenses

	2004-2005			2005-2006		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	70.87	88.70	<b>1.25</b>	70.38	72.67	<b>1.03</b>
Hispanic	16.76	4.18	0.26	17.31	12.67	0.73
Black	8.58	5.44	<b>0.63</b>	8.58	13.33	<b>1.55</b>
Asian	3.19	0.84	0.26	3.09	1.33	0.43
Native American	0.59	0.84	1.42	0.65	0.00	0.00
	2006-2007			2007-2008		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	69.41	76.17	<b>1.10</b>	68.88	76.39	<b>1.11</b>
Hispanic	18.00	15.11	0.84	18.39	13.05	0.71
Black	8.82	8.19	<b>0.93</b>	8.92	9.98	<b>1.12</b>
Asian	3.09	0.53	0.17	3.13	0.17	0.05
Native American	0.68	0.00	0.00	0.69	0.42	0.61
	2008-2009			2009-2010		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	68.48	74.00	<b>1.08</b>	67.92	64.80	<b>0.95</b>
Hispanic	18.56	15.22	0.82	18.60	21.05	1.13
Black	9.05	9.67	<b>1.07</b>	9.26	12.68	<b>1.37</b>
Asian	3.19	0.78	0.25	3.37	1.12	0.33
Native American	0.73	0.33	0.45	0.85	0.35	0.41
	2010-2011			2011-2012		
	Percent of Student Body	Percent of APP	Ratio of APP to Student Body	Percent of Student Body	Percent of APP	Ratio of APP to Student Body
White	65.02	46.67	<b>0.72</b>	63.89	45.30	<b>0.71</b>
Hispanic	20.90	35.45	1.70	21.62	37.45	1.73
Black	8.00	16.16	<b>2.02</b>	8.16	13.46	<b>1.65</b>
Asian	3.05	0.94	.31	3.06	0.17	0.06
Native American	0.66	0.78	1.18	0.64	0.60	0.94
Multiracial	2.37	1.40	0.59	2.64	2.93	1.11

Table 19-A. Statewide Disparity in APP for Subjective Offenses

	2004-2005			2005-2006		
	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	72.34	56.12	<b>0.78</b>	71.90	53.30	<b>0.74</b>
Hispanic	15.11	23.24	1.54	15.81	24.38	1.54
Black	8.80	17.84	<b>2.03</b>	8.73	19.09	<b>2.19</b>
Asian	3.17	1.07	0.34	2.93	0.83	0.28
Native American	0.58	1.74	3.00	0.63	2.40	3.81
	2007-2008			2008-2009		
	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	70.88	55.12	<b>0.78</b>	69.98	56.23	<b>0.80</b>
Hispanic	16.61	24.27	1.46	17.14	24.56	1.43
Black	8.87	18.20	<b>2.05</b>	9.21	17.11	<b>1.86</b>
Asian	3.04	1.22	0.40	3.01	0.76	0.25
Native American	0.60	1.20	2.00	0.67	1.34	2.00
	2008-2009			2009-2010		
	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	69.56	56.98	<b>0.82</b>	68.78	60.28	<b>0.88</b>
Hispanic	17.34	22.67	1.31	17.80	21.12	1.19
Black	9.35	17.01	<b>1.82</b>	9.45	15.24	<b>1.61</b>
Asian	3.08	1.87	0.61	3.23	1.59	0.49
Native American	0.66	1.47	2.23	0.75	1.22	1.63
	2010-2011			2011-2012		
	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body	Percent of 9-12 Student Body	Percent of 9-12 "Subjective" Suspensions	Ratio of Suspensions to Student Body
White	67.24	49.53	<b>0.74</b>	66.07	50.65	<b>0.77</b>
Hispanic	19.18	26.21	1.37	19.99	27.66	1.38
Black	8.52	18.94	<b>2.22</b>	8.47	15.95	<b>1.88</b>
Asian	2.89	0.91	0.31	3.05	1.04	0.34
Native American	0.56	1.57	2.81	0.56	1.26	2.25
Multiracial	1.62	2.84	1.75	1.86	3.41	1.83

Table 20-A. Statewide Disparity in Out-of-School Suspensions for Subjective Offenses, Grades 9-12

## ENDNOTES

<sup>1</sup> Cregor, Matt and Damon Hewitt. "Dismantling the School-to-Prison Pipeline: A Survey from the Field." *Poverty and Race*: Volume 20. January/February 2011.

<sup>2</sup> Ibid.

<sup>3</sup> Hanes, Melodee. Statement to the Subcommittee on the Constitution, Civil Rights and Human Rights, Committee on the Judiciary, United States Senate. *Ending the School-to-Prison Pipeline*, Hearing, December 12, 2012.

<sup>4</sup> Delisle, Deborah. Statement to the Subcommittee on the Constitution, Civil Rights and Human Rights, Committee on the Judiciary, United States Senate. *Ending the School-to-Prison Pipeline*, Hearing, December 12, 2012.

<sup>5</sup> Cregor.

<sup>6</sup> American Academy of Pediatrics. "Policy Statement: Out-of-School Suspension and Expulsion." *Pediatrics*: Volume 131. March 2013.

<sup>7</sup> Stover, Del. "NSBA's Delegate Assembly elects new officers, adopts beliefs and policies." *School Board News Today*, National School Board Association. April 12, 2013. Accessed April 25, 2013. <http://schoolboardnews.nsba.org/2013/04/nsbas-delegate-assembly-elects-new-officers-adopts-beliefs-and-policies/>

<sup>8</sup> American Academy of Pediatrics.

<sup>9</sup> Fabelo, Tony, Michael D. Thompson, Martha Plotkin, et. al. *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. Justice Center: The Council of State Governments and Public Policy Research Institute. July 2011.

<sup>10</sup> American Academy of Pediatrics..

<sup>11</sup> American Psychological Association Zero Tolerance Task Force. "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations." *American Psychologist*: December 2008. Accessed April 29, 2013. [www.apa.org/pubs/info/reports/zero-tolerance.pdf](http://www.apa.org/pubs/info/reports/zero-tolerance.pdf)

<sup>12</sup> American Academy of Pediatrics. "Out-of-School Suspension and Expulsion: Committee on School Health." *Pediatrics*: Volume 112, Number 5. November 2004.

<sup>13</sup> Cregor.

<sup>14</sup> Losen, Daniel J. and Russell J. Skiba. *Suspended Education: Urban Middle Schools in Crisis*. Southern Poverty Law Center. 2010.

<sup>15</sup> Ibid.

<sup>16</sup> Civil Rights Data Collection. 2012. Office of Civil Rights, United States Department of Education. Accessed April 16, 2013. <<http://ocrdata.ed.gov/>>

<sup>17</sup> Civil Rights Data Collection. 2012. Office of Civil Rights, United States Department of Education. Accessed March 9, 2012. <<http://ocrdata.ed.gov/>>

<sup>18</sup> The number of suspensions doled out each year has been declining since 2004, even relative to the natural decline in student population. While this change is positive, more than seven percent of students remain suspended each year, with the numbers considerably higher – and slower to change – for minority students.

<sup>19</sup> In 2012 the Rhode Island General Assembly recognized the inherent contradiction of suspending students from school for attendance infractions. R.I.G.L. 16-19-1(d) now prohibits schools from using truancy or absenteeism as the sole basis for an out-of-school suspension, but no such law existed at the time this data was collected.

<sup>20</sup> Landis, Bruce. "Blacks Disciplined at Higher Rate." *The Providence Journal*. June 24, 2001.

<sup>21</sup> Rhode Island Department of Education. *Rhode Island Racial Bias and School Discipline Task Force Report to Commissioner Peter McWalters* (2002).

<sup>22</sup> R.I.G.L. 16-60-4(21).

<sup>23</sup> Some of this information is available instantly, via the "Frequently Requested Education Data" available at <http://www.ride.ri.gov/InformationAccountability/RIEducationData/FrequentlyRequestedEducationDataFRED.aspx>

<sup>24</sup> Mayoral academies and charter schools opened after 2006 were excluded from this analysis.

<sup>25</sup> Landis.

<sup>26</sup> All subsequent percentages have been rounded to the nearest whole number. More precise percentages appear in the Appendix.

<sup>27</sup> Throughout the rest of this report, we will reference the percentage-to-student-body ratio.

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<sup>28</sup> By ratio of suspension rate to population size alone, Native American students are often over-suspended at a more extreme ratio than black students. However, because Native American students, on average, comprise less than three-quarters of one percent (0.70%) of the population, we cannot determine a credible pattern of over-suspension for these students.

<sup>29</sup> The following school districts or charter schools had incomplete information on record with the Department of Education: Rhode Island School for the Deaf (white suspensions only in 2004 and 2011, no suspensions in other years), Jamestown (white suspensions only in 2004 and 2005, no suspensions in other years), Glocester (white suspensions only in 2004, no suspensions in other years), Little Compton (no reported suspensions), New Shoreham (white suspensions only in 2008, no suspensions in other years), Compass Charter School (no recorded suspensions), Foster (no recorded suspensions), Kingston Hill Academy (no recorded suspensions), Learning Community (no recorded suspensions). As the reason for this absence of data cannot be determined, these schools and districts are removed from district-level analysis. Scituate School District reported no black suspensions between 2004 and 2009; as black students comprised 0.20%, on average, of the student population during these years, it is entirely plausible that no black students were suspended, but that determination cannot be made with certainty and Scituate was similarly excluded. Suspensions that were reported in any districts or charter schools are considered in our larger state-wide analysis.

<sup>30</sup> A note on student categorization: Although a multi-race option exists in enrollment data, multiracial students were not documented as attending Rhode Island schools until the 2010-2011 school year. Multiracial students were also not categorized as such in discipline data until the same year. In some years, a few students were categorized as being of “other” ethnicity; those children are excluded from this analysis.

<sup>31</sup> However, the data from Blackstone Academy is at least partially flawed; in 2004, the school reported having no white students enrolled, but also reported that white students comprised 34.92 percent of suspended youth.

<sup>32</sup> Expanded information on this calculation is available on our website, [www.riaclu.org](http://www.riaclu.org).

<sup>33</sup> Disorderly conduct is defined as “Any act which substantially disrupts the orderly conduct of a school function, behavior which substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff or others.”

<sup>34</sup> Harassment – Verbal/Physical is defined as “Verbal or physical conduct relating to an individual’s membership in a class (including, but not limited to, perceived race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability) that creates an intimidating, hostile, or offensive working or learning environment.”

<sup>35</sup> Insubordination/Disrespect is defined as “Refusing a directive of a teacher, administrator, or other staff member.”

<sup>36</sup> Obscene/Abusive Language is defined as “To direct pornographic images, gestures or obscene language.”

<sup>37</sup> Alcohol, Arson, Assault of Student, Assault of Teacher, Attendance – Cut/Skipped Class, Attendance – Cut/Skipped Detention, Attendance – Left School Grounds, Attendance – Tardy, Attendance – Truant, Bomb Threat, Breaking and Entering, Communication/Electronic Devices, Controlled Substances – Sale, Controlled Substances – Possession, Controlled Substances – Possession with Intent, Extortion, Fighting, Fire Regulations Violation, Forgery, Gambling, Gang Activity, Harassment – Stalking, Harassment – Sexual, Hate Crimes, Hazing, Kidnapping/Abduction, Larceny, Other, Technology – Unauthorized Use, Threat/Intimidation, Tobacco – Possession or Use, Trespassing, Vandalism, Weapon Possession.

<sup>38</sup> Although this report does not specifically examine the experience of middle school students, considerable other research does address suspensions in middle school, e.g. “Suspended Education: Urban Middle Schools in Crisis,” by Daniel J. Losen and Russell J. Skiba.

<sup>39</sup> “Other” is defined as “any school conduct violation/incident resulting in short- or long-term suspension not classified in other required codes.”

<sup>40</sup> Under R.I.G.L. 16-21-20, each school district is required to “ensure continued education of students who are removed from the classroom because of a suspension of more than ten (10) days who are chronically truant.” Additionally, the RI Discipline Procedures and Requirements allows for school personnel to “remove a student to an interim alternative education setting for not more than 45 school days” when a child brings a weapon to school or school functions; possesses, uses or sells illegal drugs or controlled substances while at school, on school premises or at school functions; or inflicts serious bodily injury upon another person while at school, on school

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grounds, or at a school function. Significantly fewer students across the board receive APP than receive out-of-school or in-school suspensions.

<sup>41</sup> [http://www.rikidscount.org/matriarch/documents/10\\_Factbook\\_Indicator\\_12.pdf](http://www.rikidscount.org/matriarch/documents/10_Factbook_Indicator_12.pdf)

<sup>42</sup> [http://www.rikidscount.org/matriarch/documents/12\\_Factbook\\_Indicator\\_13.pdf](http://www.rikidscount.org/matriarch/documents/12_Factbook_Indicator_13.pdf)

<sup>43</sup> The American Community Survey, from which this data is derived, did not include a “non-Hispanic” clarification when asking about race category; as such, it is possible that children counted as black, white, or other ethnic groups could also be considered Hispanic, thus meaning a higher than recorded number of Hispanic children may live in poverty. The number percentage of Native American children in poverty fell to 27 percent between 2008 and 2010.

<sup>44</sup> See note 17.

<sup>45</sup> This report was prepared by ACLU of Rhode Island Policy Associate, Hillary Davis. Assistance was provided by former ACLU of Rhode Island Program and Development Coordinator, Amy Myrick.



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This report was prepared by the American Civil Liberties Union of Rhode Island. The ACLU of Rhode Island is a private, non-profit organization dedicated to preserving and protecting the civil liberties guarantees found in the Bill of Rights.

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